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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,344	11/07/2005	Stewart Kemp	0002136USU/3053	8949

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EXAMINER

TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/526,344

Applicant(s)

KEMP, STEWART

Examiner

Michael Trettel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-21,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-16,18,19,21,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 17 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/02/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "the loops of cord" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8-11, 15, 19, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Fowler et al (US 159086). Fowler shows a spring supported bed bottom that comprises a bedframe A that has bars G mounted transversely across the frame headboard and footboard. Coil springs C are attached to the bars G at an upper end and to cross bars D at an opposed lower end. The cross bars D support a slatted bed bottom which includes slats E and

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support blocks F. The sides and ends of the bedframe A restrain lateral movement of the bed bottom (column 2, lines 5-15). Note that the coil springs restrain the upward and downward movement of the bedframe by either collapsing or extending to their limits.

Claims 1, 3, 4, 8-11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (US 676,544). Martin shows a bed that comprises a rectangular mattress frame A suspended within a supporting bedstead frame by a set of supporting springs A2 attached in a zig-zag fashion between the ends of the frame A and the bedstead frame. Upward restraining springs A5 are attached to the corners of the mattress frame A and extend downwardly to the legs of the bedstead frame. The springs A2 act to resiliently support the frame A, while the springs A5 act to restrain upward movement of the frame A when weight is suddenly removed.

Claims 1, 3, 4, 9-11, 15, 16, 18, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffith (US 4,419,778). Griffith shows a furniture suspension system such as a 10 that comprises a base 13 and platform 14 which is suspended by a set of suspension systems 15 upon the base 13. Each suspension system 15 is attached adjacent a corner of the base and platform, and is formed from an upper u-shaped member 17 attached to the platform 14 and a lower u-shaped member 16 attached to the base 13, with a coil spring 18 attached between the horizontal arms of the u-shaped members. This allows the platform 14 to move elastically relative to the base 13. A lateral stabilizer is formed by springs 19a, 19b which extend between the base and the platform. Note that the u-shaped members inherently act as a restraint upon the upward and downward movement of the platform relative to the base.

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Claims 1, 3, 5-12, 15, 16, 18, 19, 21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Coup (US 3,231,304). Coup shows a berth that has a spring suspension which is of particular interest. As shown in Figures 1-4, the berth 4 includes a mattress frame 7 supported upon a set frame members 14 which include rollers 30 mounted to an axle 25 attached to a lower end of the frame members. Frame members 14 extend through openings formed in an upper surface 3 of a supporting frame 11. The rollers 30 engage tracks 31 attached to and supported by the support frame 11, while cross bars 21 extend across the openings adjacent to the frame members 14. Rubber bands 20 extend between the cross bars 21 and axles 25 and act as an elastic suspension for the mattress frame 7. Lateral and longitudinal movement of the mattress frame is prevented by the rollers 30 and tracks 31 engaging one another and allowing only vertical movement of the mattress frame. The mattress frame can move downward as far as the upper surface 3 of the supporting frame 11, which inherently acts as a limit to the downward movement.

Allowable Subject Matter

Claims 17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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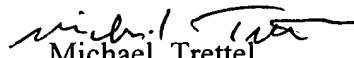
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cramer et al (US 3,524,673), Rosquist (US 4,713,851), Broyles (US 1,444,726), Tucker (2,377,464), and Tagtow (US 4,868,939) show resiliently supported mattress frames which are of particular interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is (571) 272-7052. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle, can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Michael Trettel
Primary Examiner
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